

COMMISSIONERS APPROVAL

CHILCOTT *af*

LUND *BH*

THOMPSON *af*

TAYLOR (Clerk & Recorder)

Date.....November 16, 2006

Members Present.....Commissioner Greg Chilcott,  
Commissioner Betty Lund and Commissioner Alan Thompson

Minutes: Sally Fortino and Glenda Wiles

Commissioner Lund attended a Fair Commission meeting during the morning hours.

The Board of County Commissioners met with Public Health Nurse Judy Griffin, Donna Parmenter of the Public Health Department, and Internal Auditor Klarryse Murphy regarding Family Planning Expenses.

Judy explained the issues before her department, including the rising costs of contraceptives. Family planning is an integral part of public health. There has been a drastic change in prices. The costs have increased by almost \$5,000 for 2006-2007, through 11/15/06. Most people receiving the contraceptives do not pay for them.

The Title 10 Program, which provides the funding, is working on 1970 laws. The Public Health Department is not allowed to collect co-payments, and can only suggest the client donate something toward the expense. Some people donate religiously. Others, especially teenage girls, decline the opportunity to donate, yet have cell phones and the latest clothing. The confidentiality laws do not allow notification of parents, or any collection of information to determine the parents' ability to pay for the services.

The Public Health Department employees have checked all options for cheaper prices. Different pills must be stocked, as some ingredients can cause reactions in people sensitive to that ingredient. The patch was too expensive, and not many were on it, so it was dropped from the local formulary. Judy addressed the issue in a conversation with Klarryse.

Commissioner Lund said those who are able need to start paying for the service.

Judy said there is a major rise in the cost of teenage pregnancies. She and her staff address the subject of abstinence with their clients. But the reality is to realize where they are coming from. They also see males for STDs. The State is limiting the number

of times a person may be tested each year. There are many mandates placed on the Department.

Klarryse said money for family planning is flat lined. A new order won't be needed for two months. Some clients order 3 or 4 cycles of pills. They don't even pay \$5.

Commissioner Lund said the Department must put its foot down, and request donations.

Judy said they really need co-pays for family planning. The costs have become overwhelming.

Commissioner Chilcott said if Ravalli County continues to pick up the shortfall for the State the problem will be cyclical and will not get corrected. They need to demonstrate the problem. Perhaps the Public Health Department should consider saying they are out of money, out of contraceptive supplies after a given date, and if compliance with title 10 is necessary, they may be at risk of losing their funding. There may be no other option.

Judy said once the word is out that the Public Health Department expects money for services it should make a difference. The clients are mostly well-dressed teenage girls.

Commissioner Chilcott asked how the system can say it is not promoting promiscuity. Judy suggested the clients bring pay stubs, but they say they have no jobs.

Commissioner Chilcott asked if there may be basis for prosecuting for fraud. Judy said it would violate confidentiality.

Commissioner Chilcott said if the clients are lying about a job they are committing fraud.

Skip Rosenthal arrived at the meeting. He said they cannot deny services, but can say there is a fee, but the fee can be waived.

Judy said her reason for coming was to inform the Commissioners of the situation. Commissioner Chilcott asked if the County is required to provide this service. Judy said they are, but the County Public Health Department has one of the smallest formularies. Commissioner Chilcott asked if there is a requisite list of contraceptives provided by the funding institution. Judy said some provision must be available, but the Department could get to the point that it can only afford to hand out condoms. Commissioner Chilcott suggested that may force Title 10 to examine their formula. When people could pay but choose not to, they need to understand what may happen down the line. Skip said there is no incentive for Title 10 to change.

Judy said she has talked to family planning directors, reducing the time with each client.

Commissioner Chilcott said he has a fundamental issue with the whole program, but the County could end up supporting more illegitimate children. Promoting promiscuity is a problem. The County doesn't have the option of dropping the Title 10 program. He

suggested spending available money and then going to the bare minimum. Explain to patients the County has no more money for the program. Explain the risk to clients, including information on using condoms to prevent STDs and unplanned pregnancies.

Commissioner Lund asked if the Board of County Commissioners could write a letter to Judy's contact. Judy agreed, saying Ravalli will not be the only County to be this position.

Commissioner Lund said the Commissioners would write a letter explaining what has been budgeted and what has been spent thus far for the year. Judy suggested that may create additional pressure for change. Commissioner Lund said she would contact other Counties, once they have sent the letter, to see if others are experiencing similar problems. Judy said her department is being provided fewer funds and told to do more with it.

Commissioner Chilcott said Ravalli County is not in a fiscal condition to pick up the slack of Title 10.

Commissioner Thompson said it must be a huge problem nationwide. To be able to receive contraceptives without the parents' knowledge is unthinkable. Judy said they encourage the girls to talk with their parents. There is parental involvement in some cases.

Commissioner Chilcott commented that the whole fiber of society has changed, with both parents working in most families, or single-parent families. Klarryse said every situation is different. The parents do the best they can.

Judy said she sees positive examples where the people were really grateful for the help. Commissioner Chilcott said unfunded mandates shift the burden of cost to the local entity of government; a line must be drawn in the sand.

Klarryse said she was impressed with efforts made by the Public Health Department.

In other business the Board met for various administrative matters, which included discussion and possible appointment of Airport Board members. Three positions are open for appointment; two At-Large members and One Alternate. Both current Board members, Carl Fox and Dave Hedditch, have asked to be re-appointed. Commissioner Lund made a motion to re-appoint Dave Hedditch to the At-Large position and Carl Fox as an Alternate with three-year terms and to appoint Tex Irwin to the vacant At-Large position with a three-year term. Commissioner Thompson seconded the motion and all voted "aye".

The Board met to discuss an airport lease agreement, which included a review of a draft letter to Pogo Pumps to come into compliance. Airport Board Members Carl Fox, Jim Trowbridge, Fred Haaskamp and Dave Hedditch were present, as were vendors Steve Wolters and Bill Stewart.

Dave said Pogo Pumps has no new building and is not selling fuel so they are not following the Minimum Standards in order to be a viable FBO (Fixed Based Operator). He proposed a letter be sent to Pogo Pumps, advising the owner, Mark Fournier that he needs to come into compliance. Commissioner Chilcott asked the Advisory Board if they reviewed the previous minutes that addressed Pogo Pumps/Viper Air in this regard and if there was a time line for the compliance requirements. Dave Hedditch stated he reviewed the minutes of February 24, 2006; which addresses the lease requiring a lounge, office, pilot's area, restrooms, aircraft rental etc. Mr. Fournier had indicated he would be entering into an agreement with Hangar Café' to utilize their area. It is unknown if the plans have been sent to the F.A.A. Dave stated Mark Fournier had stated at one of their meetings that he did not care if he made any money selling fuel; he only wanted to run Steve Wolters out of business.

Commissioner Thompson indicated if Mark Fournier does not come into compliance within 30 days, the County could cancel his lease. He stated the issue at hand is that they did not give him a firm time line to come into compliance because he had stated he would move forward quickly. But he has not. Commissioner Thompson stated the county needs to write him a letter advising him he is deficient in his compliance of the FBO issues and that he needs to come into compliance.

Deputy County Attorney Bill Fulbright was present for this meeting. Bill stated if the goal is to work with Mr. Fournier in order to reach an acceptable time line that is a policy question for the Commissioners to answer. Dave said if Mark Fournier is going to be an FBO, the county should not let him circumvent the rules. Dave stated Mark Fournier wanted to use the lounge at the restaurant which is owned by Max Martz, being partners with both Jack Valance and Max. However his LLC does not show him having a partner and he can not lease the café because Max's lease states he can not sub-lease. Dave stated he felt all of this (Mark's request) was to circumvent the process and run someone out of business. As an Advisory Board, Dave felt it is important for them to be fair and not allow the one good FBO to be run out of business by another.

Bill stated he needs to review this issue in regard to a legal issue. He stated the Commissioners do have the right to take a direction on this issue as long as they follow the Minimum Standards which set forth the requirements in being an FBO. Commissioner Chilcott said the relationship between the county and Mark Fournier has been contentious from day one. In the April 25<sup>th</sup>, 2006 minutes, Mr. Fournier stated he would provide mechanical services, lounge etc., but nowhere is there a time frame to show a deadline. Thus, he is hesitant to state Pogo is in violation. However he stated it is important to send a letter giving him a reasonable time frame. This should have been defined up front.

Carl also stated they have received a letter from Mark Fournier to install the 12,000 gallon storage for jet fuel. He has been selling un-branded fuel, and in order to obtain branded fuel it must be stored in a tank and not in a truck. Commissioner Thompson said the county should deny the fuel tank storage until Mark comes into compliance in being a

FBO. Commissioner Thompson also stated the letter that is sent to Mark should indicate the county would like to see some diligence in becoming compliant.

Dave stated he would like the Commissioners to set a compliance deadline, as he has already had nine months since the lease date in April. He stated the Commissioners should not allow Mark Fournier to set the deadline. Commissioner Chilcott relayed that the Fire Marshall had stated "if you are fueling trucks to fuel aircraft, (a secondary delivery vehicle), you become a fuel farm and a fuel farm has different criteria than a self-service fueling".

Bill Stewart stated when he started his business years ago, the Board of County Commissioners allowed him to open an aviation shop, and then fueling. It had to be shown prior to approval. He asked why Pogo Pumps is different. Commissioner Chilcott said the rules and regulations have changed since then, but he agreed they need to see an investment from the vendor.

Fred stated the letter should state that there shall be no further development of fuel facilities until the issues are brought into compliance. The lease was executed on April 3, 2006, to Pogo Pumps. The Pogo Pumps/Viper Air was also executed April 3<sup>rd</sup>, which addresses the lounge, administrative offices, etc.

Commissioner Chilcott suggested sending a letter defining the deficiencies, and a fair and reasonable time for compliance. Commissioner Lund added the letter should state this is approved for 6,000 gallon. The Commissioners discussed whether it was 6,000 or 10,000 gallons. Dave said the minimum standards followed John Styba's recommendations, which allows four months to erect the building. The current leases address an 18-month time line for completion of a hangar. Commissioner Chilcott suggested the letter give Pogo 30 days to get plans submitted to the FAA for approval; and then wait for the review. Upon approval of the plans he would be given a construction period. Dave stated according to his lease it states he will comply with minimum standards, rules and regulations and any changes that may be implemented during the tenure of the lease. He stated the Airport Advisory Board is working on new minimum standards now.

Carl stated this lease for Pogo Pumps only covers self-service; it does not include delivery onto the ramp. Dave said the lease signed shows self-serve. To be an FBO you need to be full service, keeping everyone on the same playing field. The new lease will require branded fuel.

Dave said Pogo must be an FBO and he must be made to follow the rules. He has had since April 3<sup>rd</sup> to come into compliance. How he does it is his problem. Carl stated the Airport Board and Commissioners need to review the plans. Dave stated the Board of County Commissioners and Airport Board do not have the authority to review. He must become an FBO; let him work through the rules, which means an FAA review.

Bill stated the letter should address the compliance with commercial standards which require one to be an FBO to sell fuel. The letter should also state the FBO requirements

have not been met; and give Mr. Fournier a time line of compliance. Bill stated he should be given 30 days to respond so his desire to comply can be determined. There may be other areas that need to be addressed. The letter should go to Mark Fournier on behalf of Viper Air and Pogo Pumps.

Commissioner Lund made a motion to send a letter to Pogo Pumps/Viper Air, addressing this non-compliance issue. Commissioner Thompson seconded the motion and all voted "aye".

In other business the Board met for a Request for Commission Action on Sunnyside Orchards No. 4 Block 16, lot 25A AP. Due to more information that needed to be addressed it was agreed to continue this meeting until November 22<sup>nd</sup> at 1:00 p.m.

In other business the Board met with County Attorney George Corn, Deputy County Attorney Karen Mahar, Deputy Clerk & Recorder Regina Wilson, Clerk & Recorder Nedra Taylor, GIS Assistant Mike Snook, GIS Director Ken Miller, Local Government Study Commission Chairman Alec Sutherland and various citizens in order to discuss the division of the county into five Commissioner districts, pursuant to the recent General Election.

George prepared a memo in regard to the requirements of Montana Law. Discussion included the review needed to be made for the electoral time periods for the Study Commission's recommendations. He noted November 20<sup>th</sup> is that deadline and the apportionment of the County into five districts must be made. He stated the Clerk and Recorder is in charge of running the elections properly and the date for apportionment needed to be reviewed. George relayed that State law and the Attorney General's opinion must be followed.

George noted the Local Government Study Commission did not have the districts defined and therefore the decision on the five new Commissioner Districts default to the Commissioners. Their decision would then be subject to the review of the two District Court Judges.

Regina stated the time line to open filing for the Commissioner districts is 135 days prior to the election, which is April 3<sup>rd</sup>. Thus the districts must be determined to allow the candidate to file.

Commissioner Lund said they can accept the filings even if the districts have not been determined; 'because the person will be in one district or another'. Regina said people could withdraw if they do not like the districts they end up in, but their filing fees would not be refunded.

Commissioner Thompson said he is disgusted with the political parties attempting to gerrymander districts to their advantage. He stated they should divide the County into five equal boundaries, by population base. And obviously the size will affect the south end of the valley.

Commissioner Chilcott indicated the requirement of legislative districts is one of compactness. For Commissioners' it is population which trumps all the other issues including compactness. George suggested the size and population should be as compact and equal as possible, which follows the law. He advised the Commissioners to have this proposal in front of the judges as soon as possible. After it is approved the map needs to be filed with the Clerk and Recorder which would prevent anyone from complaining about their filing ability and knowledge of the district they are in.

Commissioner Chilcott said they want to do this quickly, while ensuring accuracy. George said it could be made simpler by not following the precinct lines. Regina stated there were drafts done following the precinct lines to make it easier for the Elections Office, but since the district voting did not pass that is not an issue. Rather, a person's residence determines district.

Ken stated it would only take a few hours to draft a map since they do not have to follow the precinct lines. Regina stated she visited with the Secretary of State's Office and they were told to follow the 2000 census.

Commissioner Chilcott said he doesn't want to see Hamilton used as the central point and then cut up the remaining part of the county to form a 'pie shape'. He stated the districts should be spread out to maintain the integrity, allowing residents from all parts of the County to participate. George suggested they just follow the population and compactness; then let the judges review the map according to the requirements of the law.

Ken asked for the specific code requirements so they could move forward. (MCA 7-4-102). He cautioned that Hamilton population might make the district map look somewhat strange.

Public comment was then called for:

Alec Sutherland, Chairman of the Local Government Study Commission quoted MCA 7-4-102; stating the districts should be as compact and contiguous as possible.

Commissioner Lund made a motion to continue this discussion until Monday, November 20th at 8:00 a.m. Commissioner Thompson seconded the motion and all voted "aye".